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C O N F I D E N T I A L SECTION 01 OF 03 HARARE 000187

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SENIOR AFRICA DIRECTOR C. COURVILLE

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TAGS: [ASEC](#) [PGOV](#) [PHUM](#) [PREL](#) [ZI](#)

SUBJECT: PARLIAMENT RESUMES, BUT FOR HOW LONG?

REF: A. REF A: 2005 HARARE 1238

[1](#)B. REF B: 2005 HARARE 1174

[1](#)C. REF C: 2005 HARARE 395

Classified By: Ambassador Christopher Dell for reasons 1.5 b/d

Summary

[1](#)1. (C) Zimbabwe,s Parliament resumed on February 7, marking the first sitting of the Senate since that body was abolished in 1990. However, the legislative agenda is very thin and MPs could be sent home any day. Although two bills were introduced into the Senate, the supposedly august house recessed after only two days, appearing to prove those critics who called it a worthless institution. A revised, but still unpopular, Education Bill tops the current agenda and is likely to pass. Although there remains widespread speculation of another constitutional amendment and a new mining bill, such high-profile legislation is not to be seen on the immediate horizon. The session also marked the de facto split of the MDC parliamentary corps, with the two factions choosing separate legislative leadership. End Summary.

Parliament Kicks off 2006 With a Whimper

[1](#)2. (C) John Makamure, the director of USAID,s parliamentary support project implemented by the State University of New York's (SUNY), told poloff on February 13 that the agenda for the newly-opened session of parliament was virtually non-existent. There are only six bills gazetted and the Attorney General,s office) which finalizes bills before Parliament considers them) has no pending legislation. Even motions by MPs, which are typically put forward if there is no pending business, have been conspicuously absent. Makamure said that even the ZANU-PF chief parliamentary whip, Joram Gumbo, had expressed private concerns that legislative business was slacking. Makamure commented that most parliamentarians were seemingly preoccupied with receiving their allotted vehicles and had little direction from their otherwise preoccupied respective party leaders.

[1](#)3. (C) Also noting the thin schedule, ZANU-PF MP for Chivi South Charles Majange told poloff on February 14 that Parliament could adjourn at any time because there was no meaningful work. He said that ruling party MPs were unwilling to put forward independent motions for fear that they would be kicked out of the party and lose their seat (and access to parliamentary perquisites). Majange lamented the ruling party,s tight leash on MPs and asserted that the lack of independence or any agenda was sapping the energy of even reform-minded ruling party backbenchers.

[1](#)4. (C) The newly-recreated Senate was in a particularly sorry state, according to Makamure. The upper house recessed after sitting for only two days. All told, the Senate has sat for less than one business day since being reconstituted (ref A). Little progress had been made integrating Senators into the existing committee structure, although Majange and another SUNY contact noted that Senators Mahere and Mapfumo have participated in meetings of the Parliamentary Legal Committee (PLC). In the already-cramped Parliament building, the senior statesmen have no office space. Parliament even lacks enough money to have an induction ceremony for the new house.

[1](#)5. (C) These shortcomings are impacting the work of the upper house. Makamure said the early February debate on the Council for Higher Education Bill) which was introduced into the upper house - was particularly disappointing when none of the Senators offered any input. He attributed this to the lack of proper orientation and knowledge of basic parliamentary procedures. Israel Chilimanzi, a SUNY advisor, told poloff that 30-40 of the 66 Senators typically attended the sessions, but he speculated that their disengagement showed they cared more about their travel per diems than debating legislation.

16. (C) Of the six bills currently before Parliament, the Education Bill has proved the most contentious (ref B). Originally drafted to tighten Education Minister Chigwedere's grip over both public and private schools, the bill was subsequently amended after the PLC found parts to be unconstitutional and the public - including many within ZANU-PF - reacted strongly against the far-reaching bill. The revised bill requires that all schools apply to the Education Ministry before raising tuition and obliges the Ministry to approve all tuition hikes that do not exceed increases in the official consumer price index. The amended bill also relaxed restrictions on teacher qualifications and the use of local languages, two other contentious points in the original draft. Majange said that the bill remains unpopular even among ruling party legislators, but that it was destined to pass regardless due to party discipline.

17. (C) The Investment Authority Bill introduced in the Senate is a relatively obscure piece of legislation that could have important implications for foreign investment. This bill would establish a Zimbabwe Investment Authority that would replace the Zimbabwe Investment Center and the Export Processing Zones Authority. Holders of existing investment certificates would then have to convert them into licenses under the new body. While creating a one-stop-shop for investors is a step forward, the license conversion process is unclear, fueling uncertainty amongst investors and potentially offering the GOZ an opportunity to further hamstring the private sector and meddle in the economy.

18. (C) Another investor-unfriendly bill said to be in the pipeline is the mining legislation, which would require foreign investors to offer local partners a share of the assets. Zimplats CEO Greg Sebborn on February 14 told *poloff* that the Ministry of Mines was currently drafting the legislation. Mugabe last year publicly said that a 50 percent ownership share should go to local firms, a stake that is unacceptably high, according to Sebborn. Instead, Sebborn said that Zimplats was willing to accept 30 percent, which could be reached possibly by giving back to the GOZ some of the company's many holdings. He said the local partner is reportedly to be appointed by a GOZ commission, likely leaving the process open to corruption. Sebborn professed to be confident that Zimplat's license) approved by Parliament in 1994 and subject to international arbitration) would afford the company some protection should the submitted bill be too draconian.

19. (C) The most widely anticipated) and the most tightly-held secret - piece of legislation for the current session is the next constitutional amendment. Little official word on the amendment has filtered down from the highest levels of the ruling party, despite widespread rumors that it will seal plans for Mugabe's succession and possibly recreate the post of prime minister) promised to former-heir apparent Emmerson Mnangagwa according to one second-hand version related held to post, but equally coveted by Reserve Bank Governor Gono and possibly others. Makamure said nothing had reached the Attorney General yet and Majange professed to know nothing of its outlines beyond press speculation.

110. (C) The Domestic Violence Bill is one long-awaited bill that is receiving an energetic push this term. Apparently capitalizing on a recently published white paper on the bill published by the Justice Ministry, the Ministry for Women's Affairs and the Musasa Project have launched an advertisement campaign to raise public awareness of the legislation and press for its passage. (N.B. Senator Sheila Mahere this week resigned as director of Musasa Project after several donors and NGO partners expressed discomfort with her appointment to the upper house.)

111. (C) One bill unlikely to reemerge is the NGO Bill, which died early last year through a rare pocket veto by Mugabe (ref C). Makamure reported that the bill had been moved from the Public Services Ministry to the Attorney General's office, where none of the staff had been instructed to review it. Indeed, Makamure suggested that Legal Minister Chinamasa had lost interest in the bill.

MDC MPs Split Along Faction Lines

112. (C) The ongoing &divorce8 within the opposition MDC has spread to the lower house, where some 22-23 of the 41 MDC MPs are likely to eventually side with Welshman Ncube's breakaway faction, according to neutral-minded MP David Coltart. MPs from both factions continue to sit intermixed in Parliament and Makamure said there were few overt signs of conflict. Nonetheless, the two sides have held separate caucuses and the Ncube contingent has even gone so far as to

appoint a parallel team of shadow ministers and chief whip,
Kwekwe MP Blessing Chebundo.

Comment

13. (C) The GOZ has failed to effectively exploit the "historic" resumption of the bi-cameral legislature, appearing to drop all pretext that the recreated upper house can make any meaningful contribution. Instead, it has only confirmed early assessments that the Senate would be a trough, up against which ruling party cronies could belly. Meanwhile, the preoccupation of MDC MPs with their party's own disintegration has given ZANU-PF what it wants: a docile opposition, which combined with subservient ruling party MPs allows the GOZ to steam roll self-serving legislation through the body. This, plus the swift passage of the last constitutional amendment in August, means the GOZ surely knows another amendment would face only token opposition. The delayed debut of the latest amendment therefore may signal continued division and disarray within the ruling party's upper echelons. With neither house of parliament shockingly able to find any meaningful business to engage their time as the country's economy disintegrates before their eyes, Zimbabwe is taking on the surrealist quality of Nero fiddling as Rome burns.

DELL